Planning Commission Date: May 12, 2004 Item No. 1

## MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing Report prepared by: Staci Pereira

Public Hearing: Yes: X No: Yes: X

Notices Mailed On: 4-30-04 Published On: 4-29-04 Posted On: 4-30-04

TITLE: USE PERMIT AMENDMENT NO. UA2004-33 AND "S" ZONE

APPROVAL AMENDMENT NO. SA2004-33

Proposal: Request for a new 25-foot tall freestanding sign to replace two

existing freestanding signs for a Shell Gas Station, zoned Highway

Service.

Location: 950 E. Calaveras Blvd. (APN 86-29-027)

**RECOMMENDATION:** Approval with conditions.

Applicant: Arc Inc., Attn: Don Duhamel, 940 Tyler Street, Suite 23, Benicia, CA

94510

Property Owner: Shell Oil Products, 12700 Northborough Drive, Houston, TX 77067

Assessee: Equilon Enterprises LLC, 1161 Embarcadero Road, Palo Alto, CA

94303-3152

Previous Action(s): "S" Zone approval and amendments, use permit

Environmental Info: Exempt

General Plan Designation: Highway Service

Present Zoning: Highway Service

Existing Land Use: Gasoline Service Station

Agenda Sent To: Applicant & owner (both noted above)

Attachments: Plans

PJ No. 2366

### **BACKGROUND**

In June of 1972, the Planning Commission approved a gas station and car wash. Subsequent Planning Commission approvals include the addition of a 160 square foot cashier kiosk near the

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gas pumps in 1978, repainting of the building and a patio cover in 1995, addition of a coffee cart kiosk in 1996 and the installation of a groundwater extraction and treatment system in an exterior enclosure and the removal of a protected tree in 2002. Staff recently approved new building signage and repainting of the buildings and structures on April 20<sup>th</sup> of this year.

## **Site Description**

The Shell gas station is located on East Calaveras Boulevard, near the Interstate 680/Calaveras Boulevard interchange. Neighboring land uses include a window depot retail store to the south, a rollerskate entertainment complex to the southeast, Interstate 680 to the east, a full service hotel and office uses to the north and office and medical uses to the west. Further south is a residential development and industrial uses.

## THE APPLICATION

The Use Permit Amendment application is submitted pursuant to Chapter 30, Section 3.03 (c) (Freestanding signs over six feet in height) and Chapter 10, Section 57.00 (Conditional Use Permits) and the "S" Zone Approval Amendment is pursuant to Chapter 10, Section 42.10 of the Milpitas Zoning Ordinance.

## **Project Description**

The applicant requests to remove the existing 15'-10" tall freestanding sign and 6-foot tall price sign in the northwest landscape planter and replace them with one new 21-foot tall sign in the same location. The new sign would be two-sided and comprised of a 18'(h) x 7'(l) x 9"(w) panels attached to a 21-foot tall aluminum frame for the display of gas prices and the shell logo. The internally illuminated panels for the signage would be a gray plastic with the gas types in white lettering and the gas prices in black lettering and a white top with the shell logo in red and yellow. The sign would be located in the northwest landscape mound that is approximately 4-feet in height. Therefore, the overall height of the sign installed would be 25 feet tall.

#### Conformance with the General Plan

The proposed project complies with the City's General Plan in terms of Guiding Principle 3.b-G-1 in that the sign serves to direct vehicles in the facility which assists in providing for a safe, convenient and efficient vehicular movement within the Highway Service area.

## **Conformance with the Zoning Ordinance**

The project complies with the Zoning Ordinance in that it is consistent with the purpose and intent of the Highway Service District that assists in providing personal and business services oriented toward the automobile customer. In addition, the project does not conflict with any of the district's development standards.

## **Conformance with the Sign Ordinance**

The site has approximately 423 lineal feet of street frontage along E. Calaveras Blvd. Per the Sign Ordinance, Section 3.03 (Freestanding Signs), which allows one (1) freestanding sign for each individual parcel's public street frontage, the parcel is permitted 1 freestanding sign.

Additionally, to determine maximum height for freestanding signs one (1) foot of height, to a maximum of 25 feet, for each eight (8) feet of public street frontage is allowed. Thus, the height of the proposed freestanding sign is in conformance with the sign ordinance, which would allow 1 freestanding sign up to 25-foot tall, if deemed appropriate through a use permit process.

Based on 423 lineal feet of street frontage, the total signage permitted for the site is 846 square feet (2 square feet of sign are per lineal foot of street frontage). The building signage recently approved by staff (1 exit and 1 entrance sign for carwash) totals approximately 4 square feet. The proposed freestanding sign would consist of 108 square feet (the sign ordinance only counts one-side of sign since the width is less than 24 inches). Thus, the total signage for the site would be approximately 112 square feet and well within the sign area allotted for the site.

## Conformance with the "S" Zone Combining District

The project complies with the "S" Zone Combining District in that the proposed freestanding sign is attractive and harmonious with the subject building and site and replaces two signs, one of which is more massive, outdated and unattractive, with a more streamlined and modern sign. In addition, the materials used are durable and result in a high quality finish. However, to address the bare area that would result from a freestanding sign with a smaller base, *staff recommends* a condition of approval that a new landscape area around the base of the new sign be planted with annual flowers and replaced seasonally. Staff concludes, as conditioned, that no adverse visual impacts would result from the proposed project in terms of height, location, color or materials.

## **Community Impact**

Staff concludes that the project, as conditioned, will meet the requirements as set forth within the City of Milpitas regulations and will not create a negative community impact. The freestanding sign is compatible with other service station signs in the Highway Service District and is consistent with colors used elsewhere on the site, specifically on the building. In addition, the interior illumination is not anticipated to create any glare. There are no noise, odor, traffic or parking impacts associated with the project. Therefore, as conditioned, the project will not create any adverse community impacts and will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.

## **Conformance with CEQA**

The proposed project is categorically exempt from further environmental review pursuant to Class 11, Section 15311 ("Accessory Structures – On-premises Signs") of the California Environmental Quality Act (CEQA) Guidelines.

#### RECOMMENDATION

Close the Public Hearing. Approve Use Permit Amendment No. UA2004-5 and "S" Zone Approval Amendment No. SA2004-33 based on the Findings and Special Conditions of Approval listed below.

#### **FINDINGS**

- 1. The proposed project complies with the City's General Plan in terms of Guiding Principle 3.b-G-1 in that the sign serves to direct vehicles in the facility which assists in providing for a safe, convenient and efficient vehicular movement within the Highway Service area.
- 2. The project complies with the Zoning Ordinance in that it is consistent with the purpose and intent of the Highway Service District that assists in providing personal and business services oriented toward the automobile customer. In addition, the project does not conflict with any of the district's development standards.
- 3. The project complies with the "S" Zone Combining District in that the proposed freestanding sign is attractive and harmonious with the subject building and site and replaces two signs, one of which is more massive, outdated and unattractive, with a more streamlined and modern sign.
- 4. The proposed project is consistent with the City's Sign Ordinance in terms of number of freestanding signs, sign height, and sign area.
- 5. As conditioned, the project will not create any adverse community impacts and will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.
- 6. The proposed project is categorically exempt from further environmental review pursuant to Class 11, Section 15311 (Accessory Structures On-premise signs) of the State CEQA Guidelines.

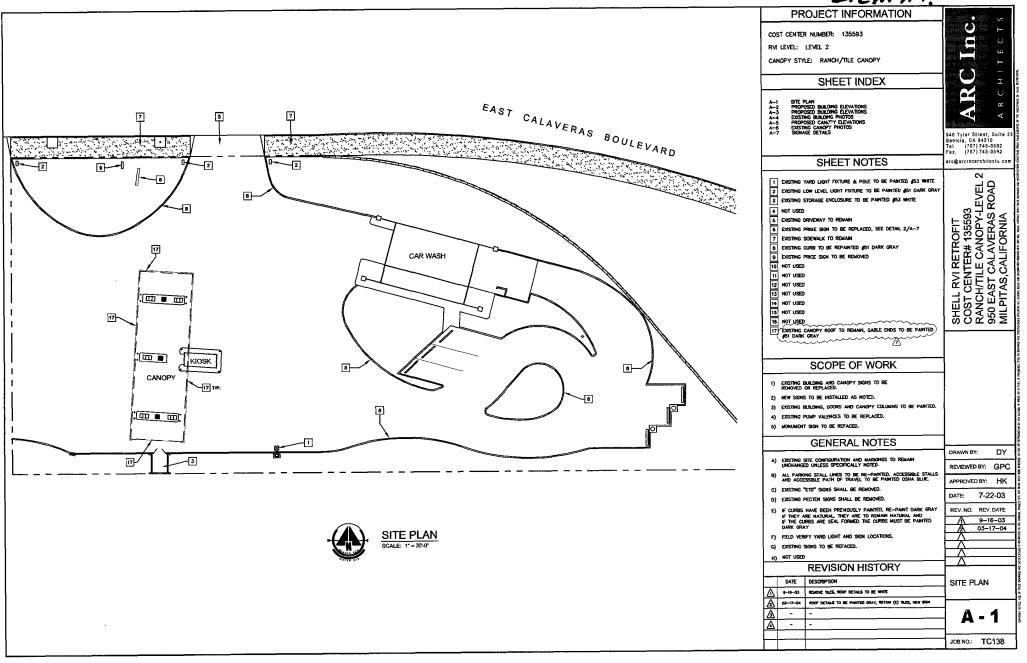
## **SPECIAL CONDITIONS**

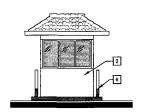
- 1. Approval of Use Permit No. UA2004-5 and "S" Zone Approval Amendment No. SA2004-33 is for a new 21-foot tall freestanding sign, as shown on the approved plans dated May 12, 2004. Any modifications to the conditions of approval require Planning Commission approval of an amendment to this Use Permit and a public hearing. (P)
- 2. The overall height of the sign as installed in the northwest landscape planter shall not exceed 25 feet. (P)
- 3. This approval does not include any repainting or building signage shown on plans, which has been reviewed and approved under a separate permit. (P)
- 4. Prior to building permit issuance, revised landscape plans shall be submitted to the satisfaction of Planning staff and include the following, which shall be installed prior to permit final:
  - a. A new landscape area around the base of the new sign, planted with annual flowers and replaced seasonally;
  - b. Replacement of sod in areas where price and prime signs bases are located once removed:

- c. Replacement of "red cinder" rocks in two landscape areas south of the carwash building with sod and annual flowers at base visible from the street and replaced seasonally.
- 5. All required landscaping shall be replaced and continuously maintained as necessary to provide a permanent, attractive and effective appearance. (P)
- 6. If at the time of application for building permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
- 7. This use shall be conducted in compliance with all appropriate local, state, and federal laws and regulations and in conformance with the approved plans. (P)
- 8. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. The edge of the proposed sign shall be located minimum of 15' back from the face of the curb, as shown on the submitted plan sheet A-1. (E)

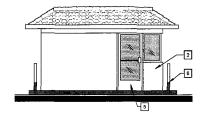
Planning Division = (P) Engineering Division = (E)

ITEM #1

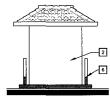




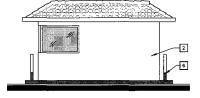
PROPOSED WEST KIOSK ELEVATION
SCALE: 1/8" = 1'40"



PROPOSED NORTH KIOSK ELEVATION SCALE: 1/8" = 1"-0"



PROPOSED EAST KIOSK ELEVATION SCALE: 1/8" = 1'-0"



PROPOSED SOUTH KIOSK ELEVATION SCALE 1/8" = 1'-0"

#### SHEET NOTES

940 Tyler Street, Suite 23 Benicia, CA 84510 Tel. (707) 745-0592 Fax: (797) 745:0592

arc@arcincarchitects.com

SHELL RVI RETROFIT COST CENTER# 135593 RANCH/TILE CANOPY-LEVEL 2 950 EAST CALAVERAS ROAD MILPITAS, CALIFORNIA

DRAWN BY: DY REVIEWED BY: GPC

APPROVED BY: HK

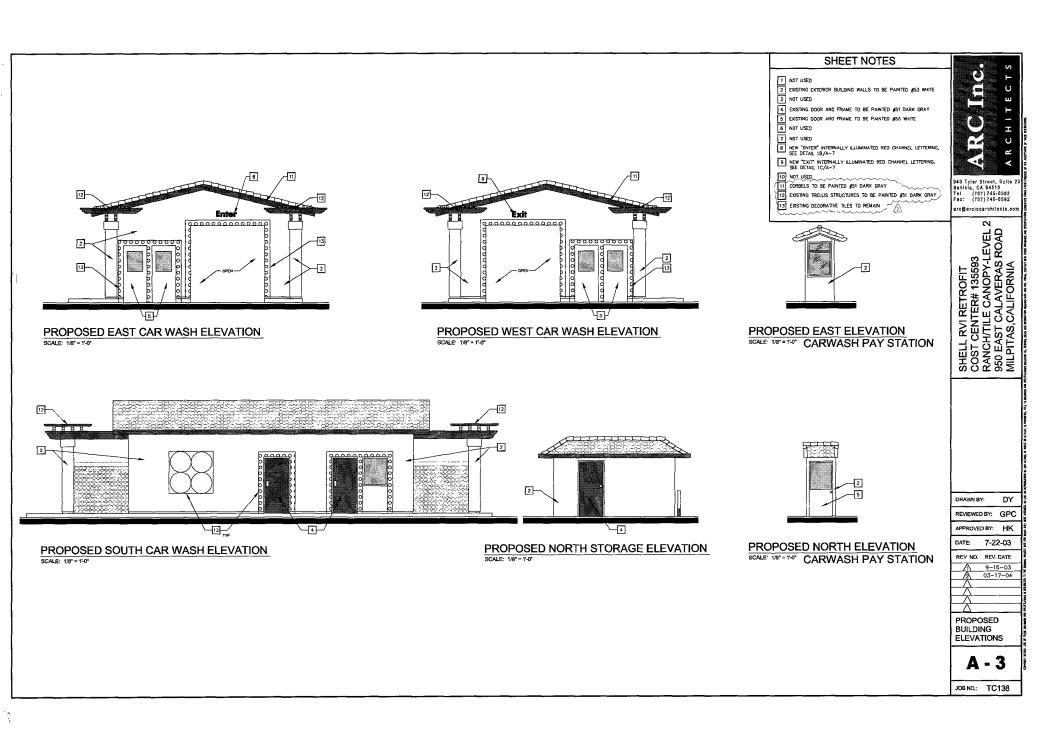
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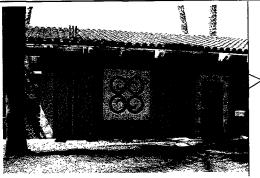
REV. NO. REV. DATE

9-16-03

PROPOSED BUILDING ELEVATIONS

JOB NO.: TC138





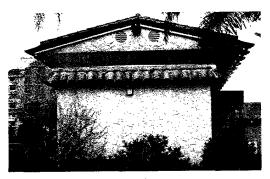
EXISTING CAR WASH SOUTH ELEVATION PHOTO

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EXISTING CAR WASH WEST ELEVATION PHOTO



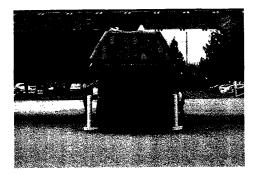
**EXISTING STORAGE SOUTH ELEVATION PHOTO** SCALE: N.T.S.



EXISTING WEST KIOSK ELEVATION PHOTO SCALE: NTS.



EXISTING NORTH KIOSK ELEVATION PHOTO



EXISTING EAST KIOSK ELEVATION PHOTO SCALE: N.T.S.



940 Tyler Street, Suite 23 Benicia, CA 94510 Tel: (707) 745-0502 Fax: (707) 745-0592

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SHELL RVI RETROFIT COST CENTER# 135593 RANCH/TILE CANOPY-LEVEL 2 950 EAST CALAVERAS ROAD MILPITAS, CALIFORNIA

DRAWN BY: DY REVIEWED BY: GPC APPROVED BY: HK DATE: 7-22-03 REV NO. REV. DATE

EXISTING BUILDING PHOTOS

**A-4** 

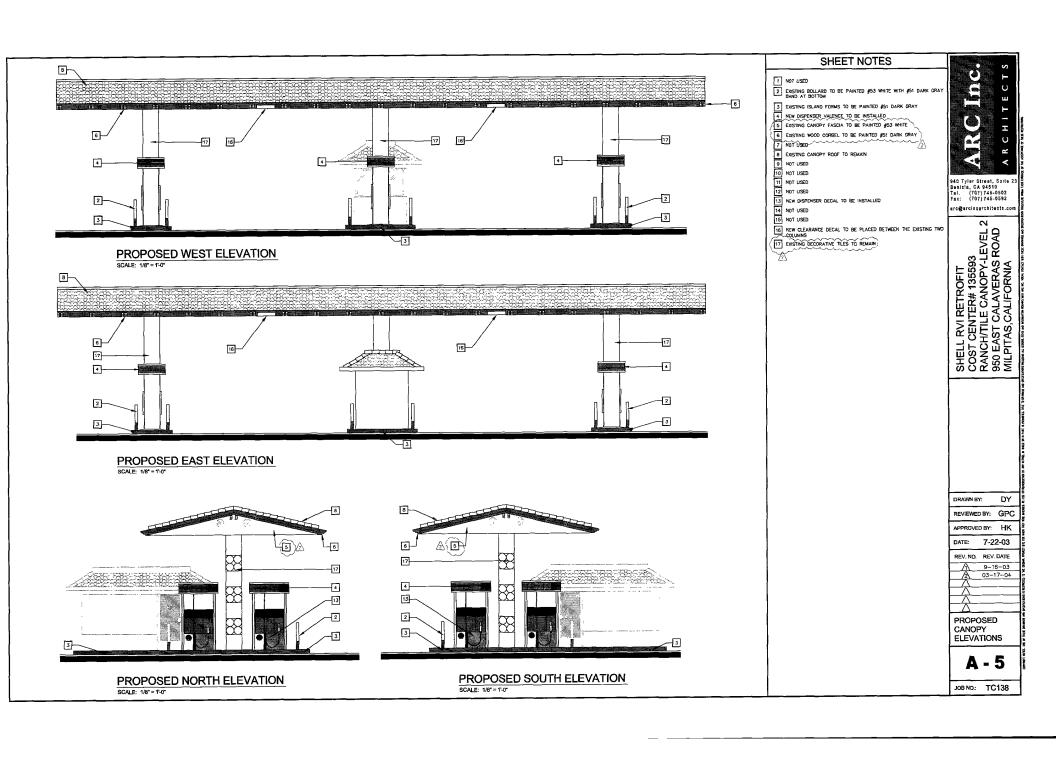
JOB NO.: TC138

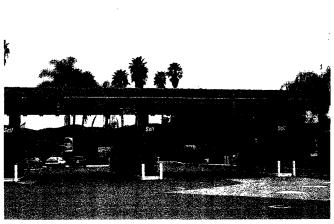
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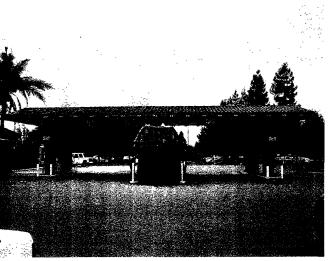


EXISTING STORAGE NORTH ELEVATION PHOTO SCALE: N.T.S.





EXISTING WEST CANOPY PHOTO SCALE: NTS.



EXISTING EAST CANOPY PHOTO SCALE: N.T.S.



EXISTING NORTH CANOPY PHOTO SCALE: N.T.S.



940 Tyler Street, Suite 2: Benicia, CA 94510 Tel (707) 745-0502 Fax: (707) 745-0592 arc@urcincarchitects com

SHELL RVI RETROFIT
COST CENTER# 135593
RANCHTILE CANOPY-LEVEL 2
950 EAST CALAVERAS ROAD
MILPITAS, CALIFORNIA

DRAWN BY: DY REVIEWED BY: GPC APPROVED BY HK

DATE: 7-22-03

REV. NO. REV. DATE

EXISTING CANOPY PHOTOS

A - 6

JOB NO.: TC138





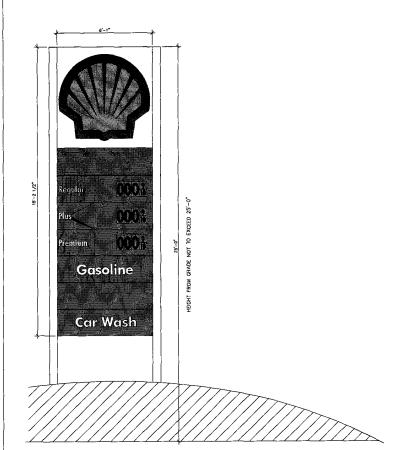


0 **NOT USED** 

(E) **NOT USED** 

(F) **NOT USED** 

PROPOSED PRIME SIGN ELEVATION



SIGNAGE CALCULATION					
	EXISTING SIGNAGE	NEW SIGNAGE			
BUILDING	0 S.F.	0 S.F.			
CANOPY	50 S.F.	0 S.F.			
CAR WASH	0 S.F.	3 S.F.			
TOTAL	50 S.F.	3 S.F.			

940 Tyler Street, Suite 25 Benicia, CA 94510 Tel (707)745-0502 Fax: (707)745-0892 erc@arcincarchitects.com

# MONUMENT SIGN CALCULATION

	EXISTING SIGNAGE	NEW SIGNAGE
PRIME SIGN	110 S.F.	<u> </u>
SECONDARY	0 S.F.	0 S.F.
TOTAL	110 S.F.	<b>△</b> (48 S.F.)



3 EXISTING MONUMENT SIGN PHOTO TO BE REPLACED



EXISTING 3 PRODUCT SIGN-PHOTO SCALE: N.T.S. TO BE REMOVED

DRAWN BY:

REVIEWED BY: GPC

7-22-03 REV NO. REV. DATE 9-16-03 03-17-04 03-31-04

DY

A - 7

SIGNAGE DETAILS

JOB NO.: TC138

**SIGNAGE** 

SCALE: 1/2" = 1'-0"